

A quorum of the Senate was announced present.

The Speaker (Mr. Sallas in the Chair) requested the members of the House to register.

A quorum of the House was announced present.

Hon. T. V. Smith was escorted to the Speaker's stand by a committee composed of Senators Smith, Aikin, Vick, Winfield and Mauritz, on the part of the Senate and Representatives Files, Carrington, Whitesides, Stanford and Kelley, on the part of the House.

The Speaker of the House presented Dr. Homer P. Rainey, President of The University of Texas, who introduced Hon. T. V. Smith to the joint session.

Hon. T. V. Smith then addressed the joint session.

At the conclusion of the address the President announced the business of the joint session concluded, and the Senate repaired to its Chamber.

In the Senate

The President called the Senate to order at 12:10 o'clock p. m.

Adjournment

On motion of Senator Moore, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

NINTH DAY

(Tuesday, January 28, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten York
Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Leaves of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Lovelady:

S. B. No. 69, A bill to be entitled "An Act amending Subsection (18), of Section 16, Article I, Ch. 448, General and Special Laws of the Regular Session of the Forty-fifth Legislature, which amended Subsection (n), Section 15, Article I, Ch. 467, of the General and Special Laws of the Second Called Session of the Forty-fourth Legislature, by adding provisions thereto providing that drug stores holding a medicinal permit in dry areas shall display no liquor; providing that physicians who write prescriptions for liquor shall secure a permit therefor, shall prescribe in case of illness only, shall write no prescription for a fee of less than \$1.00, and shall keep records as herein specified; providing that such permit shall be for one year only, and shall require a fee of \$10.00; and providing that any physician who writes prescriptions for liquor shall not own any interest in any drug store at which said prescriptions are filled, and shall not office in the same building with any drug store where said prescriptions

are filled; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Moffett (by request):

S. B. No. 70, A bill to be entitled "An Act to amend: Section 8 of H. B. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations containing small amounts of certain named drugs so that the same shall provide for the exception from the provisions of said Act the prescription, administration and sale at retail of any medicinal preparations containing more than one grain of codeine or of any of its salts, subject to certain conditions; and to amend Subsection (1) of Section 9 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing that persons authorized to administer or professionally use narcotic drugs shall keep a record and providing for certain exceptions wherein no record need be kept by such persons of the narcotic drugs so administered, dispensed or professionally used; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Public Health.

By Senator Chadick:

S. B. No. 71, A bill to be entitled "An Act relating to the payment of the prevailing rate of wages on public works; defining certain terms as used in this Act; providing the general rate of wages shall be paid; providing for predetermination of the prevailing rate of wages; requiring a public body to pay the prevailing rate of wages on any works constructed, repaired or improved by its own forces; providing that contractors shall be required to pay the stipulated wage schedule; requiring records to be kept; making certain exceptions; providing a penalty; repealing Chapter 45 of the Acts of the Forty-third Legislature; and declaring an emergency."

To Committee on Labor.

By Senator Van Zandt:

S. B. No. 72, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated

common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of the voters in such district, and providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation or where suit or litigation is filed with reference thereto within forty-five (45) days after the effective date of this Act; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and Acts of said Boards of Trustees; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any Act, or Acts of said districts, or by any Act of the Legislature; making certain exemptions; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Fain:

S. B. No. 73, A bill to be entitled "An Act amending Article 328, R. C. S. 1925, to provide for leave of absence for district attorneys called into service in the Armed Forces of the United States; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Fain:

S. B. No. 74, A bill to be entitled "An Act amending Article 2355, R. C. S. 1925, as amended, to provide for leaves of absence for certain elective county officials called into service in the Armed Forces of the United States; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 75, A bill to be entitled "An Act to validate the organization and creation of all Junior College Districts and Union Junior College Districts, created in any manner under the provision of the Acts of the Forty-first Legislature, 1929, Page 648, Chapter 290, and under any amendments thereof; validating all proceedings and Acts of the County Boards of Education, all acts of the State Board of Education, and all acts of the Commissioners Courts of this State heretofore taken in creating or undertaking to create such Junior College Districts; validating all elections held for the creation of such Junior College Districts, the election of trustees thereof, and the voting of bonds therefor; validating all proceedings and acts of boards of trustees of such Junior College Districts heretofore taken; validating all bonds voted, authorized, or sold, or now outstanding of such Junior College Districts and all bonds heretofore voted, but not yet issued; providing for the election of a board of trustees for such Junior College Districts, and providing certain powers and duties of such trustees; providing for the fee to be charged such Junior College Districts by the County Tax Assessor and Collector when such officer shall be designated to assess and collect the taxes for such districts; repealing all laws in conflict herewith; providing a saving clause; providing this law shall not apply to any district or any bonds now in litigation; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Spears (by request):

S. B. No. 76, A bill to be entitled "An Act to amend Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session 1936, page 1993, as amended by Acts of the Forty-fifth Legislature 1937, Chapter 67, page 121, and as amended by Acts of the Forty-sixth Legislature 1939, page 436, so as to make the Texas Unemployment Compensation Law conform to amendments made by the Congress of the United States in 1939 to the Federal Social Security Act, providing additional definitions of the term 'employment', providing for certain exceptions so that the term 'employment' will not include services performed in any calendar quarter by

one in the employ of any organization exempt from the payment of income tax under Section 101 of the Internal Revenue Code, providing that the term 'employment' shall not include services performed by an individual as an insurance agent or as an insurance solicitor if such service is performed for remuneration solely by way of commission, providing that, if any portion of this Act shall be declared unconstitutional and invalid, the remainder shall not be affected thereby, and, further; declaring an emergency."

To Committee on State Affairs.

Senate Joint Resolutions on First Reading

The following joint resolutions were introduced, read severally first time and referred by the President to the Committee on Constitutional Amendments:

By Senators Sulak and Shivers:

S. J. R. No. 4, A joint resolution proposing to amend the Constitution of the State of Texas so as to permit the furnishing of State official text books free to every child of scholastic age, attending any school within the State.

By Senator Brownlee:

S. J. R. No. 5, A joint resolution proposing an amendment to Article 16, Section 56 of the Constitution of the State of Texas, providing that the Legislature is authorized to appropriate not to exceed the sum of Five Hundred Thousand (\$500,000.00) Dollars per year for a period of five (5) successive years and commencing at any time within two (2) years after adoption hereof, for the purpose of bringing tourists, immigrants and industries into this State; providing no appropriation shall be made for a longer term than two (2) years; providing that at the expiration of such period the Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration, or for any purpose of bringing immigrants, tourists or industries to this State; providing for submission of the same to the qualified voters of the State; providing for the necessary proclamation and making an appropriation to defray the expense of the proclamation, publication, and election.

Consideration of Senate Bill 72

Senator Van Zandt moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 72 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Bill 14

Senator Graves moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 14 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Bill 42

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 42 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Concurrent Resolutions 6 and 7

Senator Moffett moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. C. R. No. 6 and S. C. R. No. 7 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Senate Bill 66 Re-referred

On motion of Senator Martin and by unanimous consent, S. B. No. 66 was re-referred from the Committee on Highways and Motor Traffic to the Committee on State Affairs.

Consideration of Senate Bill 66

Senator Martin moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 66 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Bills 73 and 74

Senator Fain moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 73 and S. B. No. 74 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers
Kelley	Smith

Stone	Vick
Sulak	Weinert
Van Zandt	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Bill 36

Senator Aikin moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 36 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Hour for Executive Session Set

At 10:30 o'clock a. m., Senator Martin moved that the Senate hold an executive session at 11:00 o'clock a. m. tomorrow to consider nominations of the Governor.

The motion prevailed unanimously.

Senate Resolution 24

Senator Beck offered the following resolution:

Whereas, "Land of Liberty", a cavalcade of American history, was produced and is sponsored by the Motion Picture Producers and Distributors of America, Inc., as a patriotic contribution to the National Defense program; and,

Whereas, Said "Land of Liberty" has been viewed by a large majority of the members of the Senate of Texas at a special premiere screening and

found to be a factual, entertaining and deeply inspirational pageant of America's heroic progress; and

Whereas, Said "Land of Liberty" will be shown in virtually all Texas theatres on a non-profit basis, and all sales profits accruing from public showings of the film will be donated to war emergency welfare work; now, therefore, be it

Resolved by the Senate of Texas, That the motion picture industry and the theatres of Texas be congratulated upon this well-timed contribution to the building of national morale and revival of the American spirit; and

Be It Further Resolved, That the motion picture industry and the theatres of Texas be commended for outstanding patriotism and loyalty in making this epic production available to the people of Texas on the basis of contributing to the Nation's war emergency welfare work; and

Be It Further Resolved, That a copy of this resolution be forwarded under the seal of the Senate of Texas to the President of the Motion Picture Producers and Distributors of America, Inc., and a copy to Metro-Goldwyn-Mayer Distributors Corporation of Texas.

The resolution was read and was adopted.

Senate Resolution 25

Senator Hill offered the following resolution:

Be It Resolved by the Senate of the State of Texas, That the Chairman of the Contingent Expense Committee be, and he is hereby authorized, to employ a competent reporter to report verbatim the proceedings of the hearings to be held in the Senate wherein the State Auditor and Directors of the State Welfare Board will be heard, and that the cost thereof be paid out of the Contingent Fund of the Forty-seventh Legislature, and that three copies be filed with the Secretary of the Senate.

The resolution was read and was adopted.

Senate Concurrent Resolution 8

Senator Fain offered the following resolution:

S. C. R. No. 8, Relating to salaries of prison farm managers.

Whereas, The Forty-sixth Legislature passed an appropriation for the

manager of the Central State Prison Farm and the Harlem State Prison Farm; and

Whereas, The Texas Prison Board of the State of Texas, did on the first day of October, A. D. 1940, consolidate the Central State Prison Farm and the Harlem State Prison Farm and abolished the salary of \$154.00 per month of the manager of the Harlem State Farm, thereby making a savings to the tax payers of the State of Texas; and

Whereas, Said Prison Board raised the salary of the manager of the Central State Prison Farm from the sum of Two Hundred Twenty-five (\$225.00) Dollars per month to the sum of Three Hundred (\$300.00) Dollars per month to manage the said Central and Harlem Farms because of additional duties and responsibilities added by consolidating the said two prison farms; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Texas Prison Board is hereby authorized, acting by and through its general manager, to pay the manager of the Central State Prison Farm the sum of money whereby said manager of said Central and Harlem Farms will receive the sum of Three Hundred (\$300.00) Dollars per month as of date beginning October 1, 1940, and ending September 1, 1941, and the Comptroller of Public Accounts and the State Treasurer are hereby authorized to pay said manager of the Central and Harlem Farms the sum above stated, and upon passage of said resolution the same will be sufficient authority for said board and officials of the State of Texas to act upon.

FAIN,
STONE.

The resolution was read and was referred to the Committee on Penitentiaries.

Senate Resolution 26

Senator Brownlee offered the following resolution:

S. R. No. 26, Thanking Hon. Max Bickler.

Whereas, The undersigned members of the Senate Committee for the Inauguration of the Governor, Hon. W. Lee O'Daniel, and the Lieutenant-Governor, Hon. Coke Stevenson, acting in conjunction with the Committee of the House, have performed the duties required of it; and

Whereas, The Honorable Max Bickler, Clerk of the Supreme Court, was appointed secretary of the committees of both the House and the Senate; and

Whereas, This gratuitous service was rendered by Mr. Bickler, who worked untiringly in assisting said committees, and whose services were invaluable to said committees, on account of his long experience in such matters; and

Whereas, Your committee is very grateful to Mr. Bickler for said services; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to Mr. Max Bickler.

BROWNLEE, Chairman,
ISELL,
FORMBY,
MARTIN,
FAIN.

Inaugural Committee.

The resolution was read and was adopted unanimously.

Reports of Standing Committee

Senator Brownlee, by unanimous consent, submitted the following reports of the Committee on Highways and Motor Traffic:

Austin, Texas,
January 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. C. R. No. 7, Authorizing the lending by the State Highway Department of guard wire to the Iowa Park Independent School District.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
January 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. C. R. No. 6, Authorizing the lending by the State Highway Department of guard wire to the City of Vernon.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Consideration of Senate Bill 13

Senator Stone moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 13 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Bill 75

Senator Shivers moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 75 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Fain	Metcalf
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Sulak

Van Zandt	Weinert
Vick	Winfield

Absent—Excused

Cotten	York
Spears	

Consideration of Senate Bill 38

Senator Fain moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 38 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Advance Printing of Senate Bill 11

On motion of Senator Martin, and by unanimous consent, it was ordered that S. B. No. 11 be printed in advance of its consideration in committee.

Bills Re-referred

On motion of Senator Moore, Senate Bills Nos. 14 and 66 were re-referred from the Committee on State Affairs to the Committee on Civil Jurisprudence.

Senate Bill 36 on Second Reading

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 36, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as

Camp Hulen at or near Palacios, Matagorda County, Texas, now owned and held in trust by the State of Texas for the use and benefit of the 36th Division, Texas National Guard, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable."

The bill was read second time.

On motion of Senator Aikin and by unanimous consent, further consideration of the bill was passed over until tomorrow.

Senate Concurrent Resolution 6

On motion of Senator Moffett and by unanimous consent, Senate Rules 31a and 48 were suspended, to permit consideration of S. C. R. No. 6 at this time.

The President then laid before the Senate:

S. C. R. No. 6, Authorizing the lending by the State Highway Department of guard wire to the City of Vernon.

The resolution was read and was adopted.

Senate Concurrent Resolution 7

On motion of Senator Moffett and by unanimous consent, Senate Rules 31a and 48 were suspended, to permit consideration of S. C. R. No. 7 at this time.

The President then laid before the Senate:

S. C. R. No. 7, Authorizing the lending by State Highway Department of guard wire to Iowa Park Independent School District.

The resolution was read and was adopted.

Adjournment

On motion of Senator Shivers, the Senate, at 11:10 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

TENTH DAY

(Wednesday, January 29, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Brownlee
Beck	Chadick